IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 17308 of 2007(I)

PETITIONER:

SURESH GEORGE, S/O. VARGHESE,
VARIKKASSERIL HOUSE, PIRAVOM, ERNAKULAM DISTRICT.

BY ADV. SRI.ISSAC NINAN

RESPONDENTS:

---

1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE HOUSING BOARD,
REPRESENTED BY ITS SECRETARY, KERALA STATE HOUSING
BOARD BUILDINGS, THIRUVANANTHAPURAM.

3. COMPETENT AUTHORITY,
O/O. COMPETENT AUTHORITY, KERALA STATE HOUSING
BOARD BUILDINGS, KOCHI HOUSING BOARD UNIT,
KOCHI-36.

BY ADV. SRI.A.JAYASANKAR, SC KSHB, TVM
GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF CERTIFICATE OF REGISTRATION ISSUED BY REGISTRAR OF NEWS PAPER FOR INDIA.

EXT.P2: TRUE COPY OF NOTICE NO.E1/BF6/118/AHAS DATED 23.6.2006.

EXT.P3: TRUE COPY OF REPRESENTATION DATED 25.9.2006.

EXT.P4: TRUE COPY OF BF6/118/AHAS DATED 27.12.2006.

EXT.P5: TRUE COPY OF ENVELOPE SHOWING DATED 10.1.2007.

EXT.P6: TRUE COPY OF REPRESENTATION DATED 12.1.2007 TO THE HONOURABLE MINISTER FOR HOUSING.

EXT.P7: TRUE COPY OF EVICTION ORDER ISSUED BY THE COMPETENTAUTHORITY DATED 30.4.2007.

EXT.P8: TRUE COPY OF REPRESENTATION DATED 2.5.2007 TO THE GOVERNMENT SECRETARY, HOUSING DEPARTMENT ALONG WITH THE COPY OF DEMAND DRAFT.

EXT.P9: PHOTOSTAT TRUE COPY OF ADVERTISEMENT DATED 29.5.2007 PUBLISHED IN MATHRUBHUMI DAILY DATED 3.6.2007.

EXT.P10: TRUE COPY OF THE RECEIPT NO.79557 DATED 13.6.2007 ISSUED BY K.SH.B.

/TRUE COPY/

PA TO JUDGE.

S. Siri Jagan, J.

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

W.P(C) No. 17308 of 2007

=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=-=

Dated this, the 27th June, 2007.

J U D G M E N T

The petitioner challenges proceedings for auction of a flat allotted to the petitioner, for non payment of the amounts due towards purchase price of the flat. At the time of admission, I had granted an interim stay of sale of the flat on condition that the petitioner pays an amount of Rs.3,00,000/- (Rupees three lakhs only) within two weeks from then. It is admitted that the petitioner has paid the said amount.

2. The learned counsel for the board has today furnished a statement of accounts in which it is shown that if the petitioner is given the OTS benefit, the balance amount payable by the petitioner would be at Rs.1,82,944/-. However, the learned standing counsel submits that the petitioner is not eligible for OTS because the hire purchase agreement was terminated and thereafter the petitioner has not paid any amount also before filing this writ petition. Technically, what the standing counsel says, may be true. However, I am inclined to take a lenient view in this matter since the petitioner undertakes to pay the balance amount of Rs.1,82,944/- within two weeks from today.

3. In the above circumstances, I direct the 2nd respondent to permit the petitioner to pay the balance amount of Rs.1,82,944/-

within two weeks from today. If the petitioner pays that amount, it would be accepted as in full and final settlement of the price of the flat allotted to the petitioner and further proceedings for transferring of flat in the petitioner's name shall be taken accordingly. The petitioner shall be put in possession of the flat on payment of the above said balance amount.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE.

Acd/